



Atty. Dkt. No 355492-3150

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: William R. PATTERSON, et al.

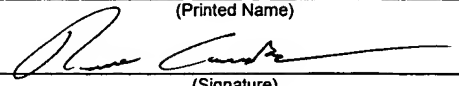
Title: FUMED SILICA EMBOLIC
COMPOSITIONS

Appl. No.: 10/789,436

Filing Date: February 26, 2004

Examiner: Not yet assigned

Art Unit: Not yet assigned

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| <p align="center">CERTIFICATE OF MAILING</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.</p> <p align="center">Rene Campos (Printed Name)</p> <p align="center"> (Signature)</p> <p align="center">5-25-04 (Date of Deposit)</p> |
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PETITION UNDER 37 C.F.R. § 1.53(b) TO OBTAIN ORIGINAL FILING DATE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Notice to File Missing Parts dated May 19, 2004, (a copy of which is enclosed), was received. It lists a wrong filing date. Applicants respectfully petition that the original filing date of the above-referenced application be corrected to February 26, 2004. The Notice to File Missing Parts incorrectly lists a filing date of February 27, 2004, instead of the correct filing date of February 26, 2004.

Applicants respectfully submit that all items required for a complete application under 37 C.F.R. § 1.53(b) were filed in the Patent and Trademark Office on February 26, 2004 by Express Mail. In particular, the following documents are enclosed, which indicate that the application papers were filed by Express Mail on February 26, 2004.

- 1) a copy of the Utility Patent Application Transmittal dated on February 26, 2004 by submitting agent and including a date of deposit below the Express Mail Label No. indicating that the paper was deposited with the United States Postal Service Express Mail service on February 26, 2004;

- 2) a copy of the Express Mail Label deposited with the United States Postal Service including a postmark of February 26, 2004; and
- 3) a copy of the dated and returned receipt dated postcard deposited with the Patent and Trademark Office to indicate what was filed and received the USPTO. This was dated by the Applicant on February 26, 2004 and deposited on February 26, 2004, but which incorrectly stamped February 27, 2004 by the USPTO.

Accordingly, Applicants submit that the filing date of February 26, 2004, is the correct filing date. In view of the February 26, 2004 postmark on the Express Mail label and the February 26, 2004 certificate of mailing, Applicants respectfully request that the correct filing date of February 26, 2004 be granted in the above-referenced patent application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

Date 5/25/04

By Lorna L. Tanner

FOLEY & LARDNER LLP
Customer Number: 38706
Telephone: (650) 856-3704
Facsimile: (650) 856-3710

Lorna L. Tanner
Attorney for Applicant
Registration No. 50,782

COPY

Applicant: William R. PATTERSON, et al.
Filing Date: Concurrently Herewith

Serial No.: Not Yet Assigned Docket No. 554922009300

Title: FUMED SILICA EMBOLIC COMPOSITIONS

Enclosed for filing:

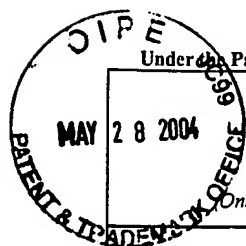
- Utility Patent Application Transmittal (1 page)
- Fee Transmittal (1 page)
- Specification (54 pages)
- Drawings (8 pages)
- Application Data Sheet (5 pages)

Filed via Express Mail on 2/26/04 ER 828471911 US LLT/lks

17497 U.S. PTO
10/789436



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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

APPLICATION ELEMENTS

See MPEP chapters 600 concerning utility patent application contents.

| | | | |
|---------------------|--------------|-------------|----|
| Attorney Docket No. | 554922009300 | Total Pages | 69 |
|---------------------|--------------|-------------|----|

First Named Inventor or Application Identifier

William R. PATTERSON

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|------------------------|-----------------|
| Express Mail Label No. | ER 828471911 US |
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Address to:

Commissioner for Patents
P.O. Box 1450
Mail Stop PATENT APPLICATION
Alexandria, VA 22313-1450

1. ☒ Fee Transmittal Form (1 pages)
(Submit an original, and a duplicate for fee processing)
2. ☐ Applicant claims Small Entity status, see 37 C.F.R. § 1.27
3. ☒ Specification [Total Pages 54]
(preferred arrangement set forth below, MPEP 1503.01)
- Descriptive title of the Invention
- Cross Reference to Related Applications
- Statement Regarding Fed sponsored R&D
- Reference to Microfiche Appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description of the Invention (including drawings, if filed)
- Claim(s)
- Abstract of the Disclosure
4. ☒ Drawing(s) (35 USC 113) [Total Sheets 8]
5. ☐ Oath or Declaration [Total Sheets]
a. ☐ Newly executed (original or copy)
b. ☐ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76 (5 pages)
7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
a. ☐ Computer Readable Form (CRF)
b. ☐ Specification Sequence Listing on:
i. ☐ CD-ROM or CD-R (2 copies); or
ii. ☐ paper (5 pages)
c. ☐ Statement verifying identity of above copies (2 pages)

COPY

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(i). Applicant must attach form PTO/SB/35 or it's equivalent
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) | of prior application No. filed

Prior application information:

Examiner:

Group Art Unit:

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number

38706

Insert Customer No.

or ☐ Correspondence address below

| | |
|-------------------------|--|
| Firm or Individual Name | SWISS LAW GROUP Lorna L. Tanner (Reg. No. 50,782) |
| Signature | |
| Date | February 26, 2004 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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